

Message Text

CONFIDENTIAL

PAGE 01 SANTIA 03781 200935Z

ACTION ARA-14

INFO OCT-01 ISO-00 CIAE-00 INR-10 NSAE-00 PM-05 NSC-05

SP-02 SS-15 HA-05 /057 W

-----058230 210427Z /13

R 182054Z MAY 78

FM AMEMBASSY SANTIAGO

TO SECSTATE WASHDC 9261

C O N F I D E N T I A L SANTIAGO 3781

E. O. 11652: GDS

TAGS: PINR, PGOV, SHUM, CI

SUBJECT: NEW SUPREME COURT PRESIDENT ELECTED

1. ISRAEL BORQUEZ MONTERO, 73, ASSUMED THE PRESIDENCY OF THE CHILEAN SUPREME COURT ON MAY 17. THE THIRTEEN MEMBERS OF THE COURT ELECT THEIR PRESIDENT FOR A THREE YEAR TERM. BORQUEZ GOT THE NOD FROM TEN JUSTICES; THE INFIRM EDUARDO ORTIZ (WHO RANKS BORQUEZ IN SENIORITY AND WOULD NORMALLY HAVE TAKEN OVER BUT FOR HIS POOR HEALTH) RECEIVED TWO VOTES; AND OUTGOING PRESIDENT JOSE MARIA EYZAGUIRRE (WHO COULD HAVE BEEN RE-ELECTED BUT DID NOT WANT ANOTHER STINT) RECEIVED ONE BALLOT.

2. BORQUEZ PARRIED REPORTERS' QUESTIONS DURING AN IMPROMPTU PRESS CONFERENCE FOLLOWING HIS ELECTION. SPICING HIS REMARKS WITH LOCAL ADAGES, BORQUEZ DUCKED COMMENT ON THE "NEW INSTITUTIONAL-ITY" AND THE GOC'S EFFORTS TO ENCROACH ON THE JUDICIARY'S FINANCIAL AUTONOMY. WHEN ASKED ABOUT THE VARIOUS PROJECTS TO REVISE CHILE'S LEGAL CODES, HOWEVER, BORQUEZ SUGGESTED THAT "YOU DO NOT CHANGE LAWS THE WAY YOU CHANGE SHOES. THE LONGER A LAW HAS BEEN AROUND THE BETTER IT IS".

3. "EL MERCURIO" CONGRATULATED THE NEW CHIEF JUSTICE IN A MAY 18 EDITORIAL BUT REMINDED THE 43 YEAR VETERAN THAT THE COURT FACES AN EXTRAORDINARILY DIFFICULT PATH: "SOMETIMES FEAR OR COMFORT WILL TEMPT THE COURT TO YIELD; SOMETIMES OPPOSITION
CONFIDENTIAL

CONFIDENTIAL

PAGE 02 SANTIA 03781 200935Z

POLITICAL PRESSURES TEMPT THE JUSTICES TO OVEREXTEND THEMSELVES".

4. BIOGRAPHIC DATA FOLLOWS: BORQUEZ BRINS A DISTINGUISHED CAREER SPANNING OVER 43 YEARS IN THE JUDICIARY TO THE SC PRESIDENCY. HE BEGAN AS A SECRETARY (CLERK) TO A CIVIL COURT IN 1935, AFTER PRACTISING LAW FOR FIVE YEARS. HE RECEIVED A NATIONAL PRIZE AS BEST JUDGE IN 1948, WHILE SERVING AS JUDGE OF SANTIAGO'S

FIRST CIVIL COURT. BORQUEZ WAS APPOINTED JUDGE OF THE COURT OF APPEALS IN SANTIAGO IN MAY 1953 AND SERVED UNTIL NOVEMBER 1, 1963, ON WHICH DATE HE WAS NAMED SUPREME COURT JUSTICE. HE RANKS NUMBER THREE IN THE JUDICIARY'S SENIORITY LIST, BEHIND EYZAGUIRRE AND JUSTICE EDUARDO ORTIZ SANDOVAL. AN EXPERT ON NOTALIAL AND ADMINISTRATIVE MATTERS, BORQUEZ HAS ALSO SERVED ON GOC COMMISSIONS REDRAFTING TRAFFIC AND CIVIL CODES.

5. BORQUEZ WAS BORN IN SANTIAGO ON MARCH 28, 1905. HE STUDIED AT THE UNIVERSITY OF CHILE'S SCHOOL OF LAW, RECEIVING HIS LAW DEGREE IN JANUARY 1930. A SPORTS ENTHUSIAST, HE PLAYED ON THE UNIVERSITY'S SOCCER AND TENNIS TEAMS. HE REMAINS AN AVID HUNTER, SERVING AS DIRECTOR OF SANTIAGO'S SPORTSMANS (HUNTING AND FISHING) CLUB ON SEVERAL OCCASIONS. HIS ONLY KNOWN TRIP ABROAD WAS A TOURIST ONE TO EUROPE IN 1968. HE IS MARRIED TO THE FORMER VICTORIA EUGENIA BORQUEZ DIAZ.

6. COMMENT: EYZAGUIRRE'S TERM AS CHIEF JUSTICE COULD NOT HAVE BEEN VERY SATISFYING. HE MAY BE RIGHT THAT CHILE'S JURISPRUDENCE AND PRACTICE RESTRICT THE ROLE OF THE COURTS SHARPLY DURING PERIODS OF EMERGENCY POWERS, BUT MANY HERE BELIEVE THAT EYZAGUIRRE COULD HAVE DONE MORE TO UPHOLD JUDICAIL INDEPENDENCE AND PROTECT BASIC HUMAN RIGHTS. IT WAS A DIFFICULT PERIOD. EYZAGUIRRE WAS, IN OUR VIEW, WELL INTENTIONED BUT WEAK.
LANDAU

CONFIDENTIAL

NNN

Message Attributes

Automatic Decaptioning: X
Capture Date: 01 jan 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: SUPREME COURT, PERSONNEL APPOINTMENTS, PRESIDENT ELECT
Control Number: n/a
Copy: SINGLE
Draft Date: 18 may 1978
Decaption Date: 01 jan 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 20 Mar 2014
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1978SANTIA03781
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: GS
Errors: N/A
Expiration:
Film Number: D780213-0857
Format: TEL
From: SANTIAGO
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1978/newtext/t19780544/aaaabljg.tel
Line Count: 86
Litigation Code IDs:
Litigation Codes:
Litigation History:
Locator: TEXT ON-LINE, ON MICROFILM
Message ID: c2c0309b-c288-dd11-92da-001cc4696bcc
Office: ACTION ARA
Original Classification: CONFIDENTIAL
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 2
Previous Channel Indicators: n/a
Previous Classification: CONFIDENTIAL
Previous Handling Restrictions: n/a
Reference: n/a
Retention: 0
Review Action: RELEASED, APPROVED
Review Content Flags:
Review Date: 08 jul 2005
Review Event:
Review Exemptions: n/a
Review Media Identifier:
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
SAS ID: 2650454
Secure: OPEN
Status: NATIVE
Subject: NEW SUPREME COURT PRESIDENT ELECTED
TAGS: PINR, PGOV, SHUM, CI, (BORQUEZ MONTERO, ISRAEL)
To: STATE
Type: TE
vdkgvwkey: odhc://SAS/SAS.dbo.SAS_Docs/c2c0309b-c288-dd11-92da-001cc4696bcc
Review Markings:
Sheryl P. Walter
Declassified/Released
US Department of State
EO Systematic Review
20 Mar 2014
Markings: Sheryl P. Walter Declassified/Released US Department of State EO Systematic Review 20 Mar 2014